

Owner requested limits and pre-approved limits :

Owner requested limits are usually requested by small operations which restrict their fuel consumption to hold their emissions below 100 tons to avoid the requirement to have a Title V permit. An owner requested limit usually contains conditions which the company agrees to follow which limits their emissions. The owner requested limit also contains monitoring and reporting requirements directly associated with maintaining the particular limit.

There are 24 of these issued.

A pre approved limit is very similar, but a pre-approved limit is only used for small diesel plants. The condition in a pre approved limit is always a limit of 330,000 gallons of diesel fuel which holds a small diesel plant to less than 100 tons of nitrogen oxide. The pre-approved limit contains a requirement to report fuel consumption once a year. There is also a pre-approved limit for a bulk gasoline transfer facility. One of these facilities agrees to limit the transfer of bulk gasoline to less than 19,900 gallons per day. There is an annual reporting requirement.

There are 190 of these issued.

The regulations for both owner requested limits and a pre-approved limits are attached below.

18 AAC 50.225. OWNER-REQUESTED LIMITS. (a) The owner or operator of one or more existing or proposed sources may avoid a requirement to have a permit under AS 46.14 or this chapter if the department approves limits on a source's ability to emit air contaminants at the request of the owner or operator. A limitation approved under this section is an enforceable limitation for the purpose of determining

(1) facility-specific allowable emissions; and

(2) a facility's potential to emit.

(b) To request approval under this section of limits on a source's ability to emit, the owner or operator shall submit to the department

(1) a completed facility identification form;

(2) a list of all sources at the facility;

(3) a calculation of the facility's actual emissions and potential to emit air contaminants;

(4) a description of the proposed limit, including for each air contaminant a calculation of the effect the limit will have on the facility's potential to emit and the allowable emissions;

(5) a description of a verifiable method to attain and maintain the limit, including monitoring and recordkeeping requirements;

(6) citation to the requirement for a permit that the person seeks to avoid, including an explanation of why the requirement would apply in the absence of the limit and how the limit allows the person to avoid the requirement for a permit;

(7) a statement that the owner or operator of the facility will be able to comply with the limit;

(8) a certification, bearing the notarized signature of the person requesting the limit, that states: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this request are true, accurate, and complete;" and

(9) a retainer of \$300 to cover the department's pre-application assistance, billable at \$78 per hour.

(c) Within 30 days after receiving a request under (b) of this section, the department will

(1) make a preliminary decision to approve the request; or

(2) deny the request and notify the owner or operator of the reasons for the denial.

(d) If the department makes a preliminary decision to approve a request under (c) of this section, the department will solicit public comment on the preliminary decision as follows:

(1) the department will publish a notice in a newspaper of general circulation within the area where the facility is or will be located; the department will publish this notice in two consecutive issues of the newspaper and in other media the department considers appropriate; the notice will include

(A) the name and address of the applicant and the location or proposed location of the facility;

(B) a summary describing the proposed limit, including reference to the permitting requirement that the limit avoids;

(C) a statement that the department will accept public comment on the proposed limit for 30 days after first publishing notice; and

(D) the name and address of the person to whom comments should be sent;

(2) the department will make available for public review, in at least one location within the area affected by the facility, the materials submitted by the owner or operator and a copy of the proposed limit;

(3) the department, upon its own motion or upon a request made in accordance with 18 AAC 15.060, will hold a public hearing on the application as described in 18 AAC 15.060(d) - (h); and

(4) the department will accept public comments and testimony on the proposed limit for 30 days after publishing the notice required by (1) of this subsection; if the department determines additional time is needed to allow full public participation, it will

(A) extend the public comment period by up to an additional 60 days ; and

(B) publish notice of the extension as provided under (1) of this subsection.

(e) After the public comment period provided under (d) of this section, the department will consider the comments received during the public comment period and will make a final decision whether to approve, approve with conditions, or deny the request for cause. This final decision, or a decision to deny the request under (c)(2) of this section, is a permit action for the purpose of review under AS

46.14.200. The absence of a department decision within 30 days after the close of the public comment period provided in (d) of this section will be considered a permit action to deny the request for the purpose of review under AS 46.14.200.

(f) If the department approves a request for a limit, it will issue a letter of approval that

(1) describes the terms and conditions of the approval, including specific testing, monitoring, recordkeeping, or reporting requirements;

(2) lists all equipment covered by the approval;

(3) describes the permit that the limit allows the owner or operator to avoid; and

(4) contains the statement "I understand and agree to the terms and conditions of this approval" followed by a space for the owner's or operator's notarized signature.

(g) A limit approved under this section becomes effective the day after the department receives a copy of the letter of approval bearing the owner's or operator's notarized signature in the space provided. On and after the date the limit becomes effective and until the limit is revised or revoked under (h) of this section, the owner and operator shall comply with all terms and conditions of the approval.

(h) The owner or operator may request the department to revise the terms or conditions of the approval issued under this section by submitting a new request under (b) of this section. Until a revision is approved and takes effect under (g) of this section, the original approval remains effective. The owner or operator may request the department to revoke the approval in writing by explaining the reason for the request and applying for the permit or permits listed in the original approval under (f) of this section as if the limit had never been approved. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146)

Authority:	AS 44.46.025	AS 46.14.030	AS 46.14.120
	AS 46.14.020	AS 46.03.020	AS 46.14.140

18 AAC 50.230. PREAPPROVED LIMITS . (a) This section sets out limits for certain sources that become effective the day after the department receives a request containing all the required information. Under these "preapproved" limits, no additional department approval is required. The department will notify a person requesting a limit under this section, in writing, of the date the limit took effect. The owner and operator shall comply with the limit while it is in effect. The limit remains in effect until revoked in accordance with (e) of this section.

(b) The owner or operator of a facility containing one or more sources described in (c) or (d) of this section may request that the preapproved limits in those subsections be applied to that facility. To make the request, the owner or operator shall submit to the department the information required for the limit requested.

(c) Limits on the allowable emissions of, or potential to emit, nitrogen oxides from diesel engines may be established by restricting the amount of fuel that may be burned in an engine. To implement these limits, the owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the facility to which the limits will apply;

(B) a list of all diesel engines at the facility to which the limits will apply, including the model and rated capacity of each diesel engine;

(C) the maximum quantity of fuel, in gallons, that the owner or operator will be limited to use in the equipment listed in (B) of this paragraph in any consecutive 12 months;

(D) a calculation of the nitrogen oxides, in tons per year, that the equipment listed in (B) of this paragraph would have the potential to emit if subjected to the limits on fuel use proposed under (C) of this paragraph, determined by dividing the number provided under (C) of this paragraph by 3,309;

(E) an estimate of the potential to emit nitrogen oxides, in tons per year, from all sources at the facility that are not listed under (B) of this paragraph;

(F) a calculation of the facility's total potential to emit nitrogen oxides, determined by adding the values derived under (D) and (E) of this paragraph;

(G) a list setting out each of the conditions required under (2) of this subsection;

(H) a certification bearing the owner's or operator's notarized signature stating that

(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this subsection and agrees to those conditions in order to limit nitrogen oxide emissions from the equipment listed under (B) of this paragraph to no more than the value calculated under (D) of this paragraph; and

(I) a processing fee of \$100; and

(2) agree to

(A) limit the quantity of fuel burned in the equipment listed under (1)(B) of this subsection during any consecutive 12 months to no more than the amount proposed under (1)(C) of this subsection;

(B) record the amount of fuel consumed in the equipment listed under (1)(B) of this subsection each month and calculate the total fuel consumed in the equipment during the preceding 12 months;

(C) keep all receipts for fuel purchases and all records and calculations under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records and calculations required by (B) of this paragraph for the preceding year.

(d) The owner or operator of a gasoline distribution facility may limit the facility's maximum daily throughput of gasoline to less than 19,900 gallons and, thereby, become a bulk gasoline plant under the standards adopted in 18 AAC 50.040(a)(2)(M) and (AA). The owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the facility to which the limit will apply;

(B) a list of all tanks containing gasoline at the facility, including the working capacity of each tank;

(C) a list setting out each of the conditions required under (2) of this subsection; and

(D) a certification bearing the notarized signature of the owner or operator
stating that

(i) "Based on information and belief formed after reasonable inquiry, I
certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required
under (2) of this section and agrees to those conditions in order to be classified as a bulk
gasoline plant; and

(2) agree to

(A) limit the quantity of gasoline transferred from tanks at the facility each day
to less than 19,900 gallons;

(B) record the amount of gasoline transferred from tanks at the facility each
day;

(C) keep all receipts for fuel sales and all records under (B) of this paragraph
available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of
the records required by (B) of this paragraph for the preceding year.

(e) The owner or operator may terminate a limit under this section by notifying the department, in
writing, of the proposed date for termination of the limit. On and after the proposed date, the limit is no
longer in effect unless the limit made it possible for the owner or operator to avoid any preconstruction
review procedures. If the limit made it possible for the owner or operator to avoid any preconstruction
review under this chapter, the limit remains in effect until the owner or operator

(1) obtains a new construction permit under this chapter as if the limit had never existed;
or

(2) obtains a new limit under this section or under 18 AAC 50.225 that allows the owner
or operator to continue to avoid preconstruction review. (Eff. 1/18/97, Register 141;
am 6/21/98, Register 146)

Authority:	AS 44.46.025	AS 46.14.030	AS 46.14.120
	AS 46.14.020	AS 46.03.020	AS 46.14.140